

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

Southern District of Texas

APR 13 1994

UNITED STATES OF AMERICA

Michael N. Milby, Clerk

v.

JOSE ARMANDO SALINAS

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:93CR00244-001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

Amador Garcia

Defendant's Attorney

APR 14 1994

Michael N. Milby, Clerk
By Deputy *[Signature]*

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Indictment on February 1, 1994
- ☐ pleaded nolo contendere to count(s) _____
- which (was) (were) accepted by the court.
- ☐ was found guilty on count(s) _____
- after a plea of not guilty.

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Date Offense Concluded</u> | <u>Count Numbers</u> |
|----------------------------|---|---------------------------------------|--------------------------|
| 21:841(a)(1) & (b)(1)(A) | Possession With Intent To Distribute Approximately 45 Kilograms of Cocaine | 11-7-93 | 1 |

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: [REDACTED]

Defendant's Date of Birth: [REDACTED]

Defendant's USM No.: 61728-079

Defendant's Mailing Address:
P.O. Box 1133
La Joya, Texas 78560
(3½ miles north of Tom Gill Rd., Lot#7)

Defendant's Residence Address:
P.O. Box 1133
La Joya, Texas 78560
(3½ miles north of Tom Gill Rd., Lot#7)

April 12, 1994

Date of Imposition of Judgment

[Signature]

Signature of Judicial Officer

HAYDEN W. HEAD, JR.
UNITED STATES DISTRICT JUDGE

Name & Title of Judicial Officer

4-13-94

Date

MEC/er *[Signature]*

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ys

DEFENDANT: JOSE ARMANDO SALINAS
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Judgment - Page 2 of 7 Pages**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of EIGHTY-SEVEN (87) MONTHS.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at _____ a.m./p.m. on _____.
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

☐ before 2 p.m. on _____.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____,
with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy Marshal

DEFENDANT: JOSE ARMANDO SALINAS
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Judgment - Page 3 of 7 Pages**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE
(5) YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm or destructive device.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the following additional conditions:

DRUG TREATMENT: The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation officer.

FINE: The defendant shall adhere to the Court-ordered schedule for the payment of a fine or restitution, if any.

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STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Judgment - Page 5 of 7 Pages**FINANCIAL PENALTIES**

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below.

| <u>Count</u> | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|----------------|-------------------|-------------|--------------------|
| 1 | \$50.00 | \$500.00 | N/A |
| <u>Totals:</u> | \$50.00 | \$500.00 | N/A |

FINE

The fine includes any costs of incarceration and/or supervision.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the below payment options are subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

RESTITUTION

Restitution has not been ordered in this case.

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Judgment - Page 6 of 7 Pages**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

The total fine and other monetary penalties shall be due as follows:

- ☐ in full immediately.
- ☐ in full not later than _____.
- ☐ in _____ installments of \$ _____ over a period of _____ months to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration.
- ☒ in installments to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration. During a period of probation or supervised release supervision, payment of any unpaid balance shall be a condition of supervision and the U.S. probation officer shall establish and may periodically modify the payment schedule, provided that the entire financial penalty is paid no later than the termination of supervision but in no event later than 2 years after release from incarceration.

- ☐ The defendant shall pay the costs of prosecution.
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States.

All financial penalty payments are to be made to the Clerk of Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

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Judgment - Page 7 of 7 Pages**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary).

Guideline Range Determined by the Court:Total Offense Level: 31Criminal History Category: IImprisonment Range: 120 to 135 monthsSupervised Release Range: 5 to 5 yearsFine Range: \$ 15,000 to \$ 4,000,000

☒ Fine waived or below the guideline range because of inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☒ The sentence departs from the guideline range.

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):